

Birmingham Commissioner for Children's Social Care Direction

DIRECTION UNDER SECTION 497A (4B) OF THE EDUCATION ACT 1996  
TO BIRMINGHAM CITY COUNCIL

WHEREAS

1. The Secretary of State for Education ("the Secretary of State") issued a direction to Birmingham City Council ("the Authority") on 18 March 2013 pursuant to section 497A(4B) of the Education Act 1996 ("first direction") in the light of inadequate performance by the Authority of its children's social care functions;
2. The first direction was revoked and replaced by a direction issued to the Authority by the Secretary of State on 8 September 2014 ("the second direction") which inter alia required the Authority to cooperate with the Commissioner for children's social care in Birmingham, Lord Warner, and to take certain other actions with a view to improving children's social care functions;
3. The second direction was revoked and replaced by a direction issued to the Authority by the Secretary of State on 17 December 2015 ("the third direction") which inter alia required the Authority to cooperate with the replacement Commissioner for children's social care in Birmingham, Andrew Christie.
4. On 25 November 2016, Andrew Christie stepped down as Commissioner to take up post as the Chair-designate of the proposed Birmingham Children's Services Trust. The Secretary of State now intends to appoint Dave Hill as the new Commissioner for Children's Social Care in Birmingham ("the Children's Social Care Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in Annex A to this direction.
5. The Secretary of State has carefully considered Ofsted's report, in respect of the Authority, of its inspection carried out between 12 September 2016 and 6 October 2016. The Secretary of State is satisfied that the Authority is not yet performing to an adequate standard, or at all, some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely;
  - a) social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b) the functions conferred on the Authority under sections 23C to 240 of the Children Act 1989 (so far as not falling within paragraph a. above);

and

- c) the functions conferred on the Authority under sections 10, 12, 12C, 120 and 17A of the Children Act 2004.

- 6. The Secretary of State, having considered representations made by the Authority, considers it expedient, in accordance with her powers under section 497A of the 1996 Act, to direct the Authority as set out below in order to ensure that the Authority's children's social care functions are performed to an adequate standard.

NOW THEREFORE:

- 7. Pursuant to her powers under section 497A(4B) of the 1996 Act, the Secretary of State directs that the Authority shall, to the satisfaction of the Children's Social Care Commissioner, do the following:

- a. comply with any instructions of the Secretary of State or the Children's Social Care Commissioner in relation to the improvement of the Authority's exercise of its children's social care functions and to provide such assistance as may be required;
- b. cooperate with the Children's Social Care Commissioner, including on request allowing the Commissioner at all reasonable times access:
  - i. to any premises of the Authority;
  - ii. to any document of or relating to the Authority; and
  - iii. to any employee or member of the Authority

which appears to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in the Terms of Reference;

- c. provide the Children's Social Care Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for carrying out his responsibilities in accordance with the Terms of Reference, including:
  - i. providing officers' time or support; and
  - ii. providing office space, meeting rooms or computer facilities;
- d. through the accountable body ("the Quartet") as defined in the second direction, continue to oversee and drive improvements to children's social care services in Birmingham. The Quartet

must comprise the following individuals:

- i. the Lead Member for the Authority;
  - ii. the Lead Member for Children's Services;
  - iii. the Chief Executive; and
  - iv. the Director for People.
- e. ensure that the Quartet meets the Children's Social Care Commissioner at least once every two calendar months and provides such reports to him as he may require, and that the Quartet seeks formal assurances from the Authority's Cabinet on an annual basis as to the provision of adequate resources to deliver improvements in children's social care;.
- f. cooperate with the independent improvement partner, Essex County Council, to support service improvement;
- g. implement the Improvement Plan for Early Help and Children's Social Care (2015-17), the Children and Family Services Commissioning Plan (2015-2017); and the Operating Model for Birmingham Children's Services (2015), and develop plans for further, sustainable improvements to the long-term delivery of children's social care services";
- h. secure an appropriate budget to support the delivery of improved services in accordance with the above plans;
- i. cooperate with government officials in relation to implementing the direction.

Signed on behalf of the Secretary of State for Education:



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Suzanne Lunn  
Deputy Director, Local Authority Performance and Intervention  
Department for Education

Date: 25<sup>th</sup> November 2016

## ANNEX A

### Commissioner for Children's Social Care Terms of Reference

1. The Commissioner is expected to provide independent strategic oversight of the Authority's progress under this Direction by:
  - a. instigating and leading reviews of the Authority's implementation of its Improvement Plan for Early Help and Children's Social Care (2015-17), Children and Family Services Commissioning Plan (2015–2017) and Operating Model for Birmingham Children's Services (2015) with a particular focus on the:
    - i. Authority's capability and capacity to maintain long-term improvements to Birmingham's children's services;
    - ii. Ability of senior managers to ensure that appropriate financial and human resources are made available to allow planned improvements to be delivered; and,
    - iii. Authority's ability to manage effectively the overlap between safeguarding and education.
  - b. Providing an assessment of capability and capacity of senior council leaders to ensure that improvements continue beyond this Direction, and are sustainable beyond the Authority's current improvement plans, acting as an interface between the Authority, the Department and the Department for Communities and Local Government led Improvement Panel, with the specific remit of ensuring that the corporate improvements being taken forward by the Panel serve and align with the improvement plans for children's social care services.
2. The Commissioner will report quarterly on the Authority's progress to the Secretary of State, with the first report due at the end of February 2017.